

### **REMARKS**

#### **Claim Objections**

The applicant has spelled out the abbreviation of IGF2 in claims 1 and 11, and amended CT to read C/T in claim 11.

#### **35 USC § 112/Second Paragraph**

The examiner has objected to claims 1 to 9, 11 and 16 to 19 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner states that claims 1 to 9 are indefinite because they do not include an active step directed towards identifying the phenotypes, and because it is not clear whether the wherein clause is necessary for the actual positive steps of the claims. The applicant has amended claim 1 to include active steps and to clarify that the wherein clause is necessary for the positive steps of the claims.

The examiner states that claims 2 to 7 are indefinite over the phrase "the presence of absence of at least one C allele" in lines 6-7 of claim 2. The applicant has amended claim 2 to read "the at least one C allele".

The examiner states that claims 4 to 5 are indefinite because the limitation "the polymorphism" is unclear. The applicant has amended claim 4 to remove the reference to "the polymorphism" and to better define the invention claimed.

The examiner states that claim 8 is indefinite because there is no antecedent for "the nucleic acid amplification products" in this claim. The applicant as amended claim 8 to be dependent on claim 2, which provides the antecedent. The examiner also states that the reference to "the amplification product" in line 6 of this claim is not clear. The applicant has amended this to read "the amplification products".

The examiner states that claim 9 is indefinite because there is no antecedent for "the nucleic acid amplification products" in this claim. The applicant as amended claim 9 to

be dependent on claim 2, which provides the antecedent, and to pluralize the reference to the amplification products.

The examiner states that claim 11 is indefinite because it appears to be directed to a method of selecting animals and yet recites sorting steps, and because it includes a wherein clause that is not necessary for the actual positive steps of the claims. The applicant has amended claim 11 to more clearly define the invention claimed, and to remove the wherein clause.

The examiner states that claim 11 is indefinite because of the use of the term "with respect to". The applicant has amended claim 11 as suggested by the examiner.

The examiner states that claim 11 is indefinite because of the use of the term "an animal" is unclear. The applicant has amended claim 11 to clarify that the animals being referred to are *Bos taurus* animals.

The examiner objected to claims 16 to 19 as being indefinite. The applicant has cancelled these claims.

### **35 USC § 112/Scope of Enablement**

The examiner objected to claims 1 to 9, 11 and 16 to 19 as not enabling the detection of any phenotype in any type of cattle, as not enabling the detection of any polymorphism at position 150 of SEQ ID NO: 1, and as not enabling the association of a particular SNP with fat content or marbling (claims 1 to 9); as not enabling the identification of any cattle, as not enabling the detection of an association with any IGF2 allele in any animal and as not enabling association with fat content or marbling (claim 11); and as not enabling claims 16 and 17.

With respect to claims 1 to 9, the applicant has amended the claims to indicate that the phenotype being detected is increased rib eye area, that the polymorphism is a C/T polymorphism, at position 150 of SEQ ID NO: 1, that the animals being tested are *Bos taurus* animals, and to remove the association to fat content or marbling.

The applicant has amended claim 11 to indicate that the polymorphism is a C/T polymorphism, at position 150 of SEQ ID NO: 1, that the animals being tested are *Bos taurus* animals, and to remove the association to fat content or marbling.

The applicant has cancelled claims 16 to 19.

### **35 USC § 112/Written Description**

The examiner has rejected claims 1 to 9, 11 and 16 to 19 as failing to comply with the written description requirement. The examiner states that the specification does not describe a method for detecting any phenotype in any type of cattle, or of detecting any polymorphism at position 150 of SEQ ID NO: 1 (claims 1 to 9); nor does it describe the detection any IGF2 alleles (claim 11).

The applicant submits that the amendments described above in relation to the 35 USC § 112/Scope of Enablement rejections also overcome the 35 USC § 112/Written Description rejections.

### **35 USC § 101**

Claims 1, 11 and 16 are rejected to as being directed to non-statutory subject matter, because these claims do not produce any physical transformation, nor are the methods tied to a machine. The applicant submits that the amendments described above in relation to the 35 USC § 112/Second Paragraph rejections also overcome the 35 USC § 101 rejections.

### **35 USC § 102**

The examiner rejected claims 18 and 19 as being anticipated. The applicant has cancelled these claims.

### **New claims 20 and 21**

The applicant has added new claims 20 and 21, directed to a method of genotyping *Bos taurus* animals to determine whether they have the C/C, C/T or T/T genotype at position

150 of SEQ ID NO: 1. The applicant submits that these claims do not add new subject matter and are fully supported by the specification.

In view of the foregoing, the Applicant submits that the Application is in condition for allowance, and requests that the Examiner withdraw the rejection against claims 1 to 9 and 11, and allow all claims.

Respectfully submitted,  
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By 

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